

Memorandum



Date: February 21, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Directive 122011 – Land for Sale Adjacent to a Park

At the November 8, 2012 Board of County Commissioners (Board) meeting, resolution R-953-12 was approved, directing the County Mayor or Mayor's designee to consider the viability of purchasing parcels of vacant, undeveloped land adjacent to existing County parks being offered for sale, for the expansion of park lands. The analysis performed by the County Mayor or Mayor's designee should include, but not be limited to, determining whether the expansion of the park in question is necessary to serve an increased population, contribute to the environmental, social and economic well-being of the surrounding neighborhood and community, and whether funds are available to acquire the parcel.

As part of its due diligence, the Miami-Dade Parks, Recreation and Open Spaces Department (PROS) currently performs the requested analysis and is in compliance with this directive. PROS staff regularly reviews both vacant and non-vacant land parcels adjacent to parks when they become available for sale. Pursuant to Administrative Order 8-1, the Internal Services Department is responsible for purchasing property for the County. Any land purchase or acquisition proposal to expand a County park will be presented to the Board for final approval.

c: Lisa M. Martinez, Senior Advisor, Office of the Mayor
Jack Kardys, Director, Parks, Recreation and Open Spaces Department
Lester Sola, Director, Internal Services Department

Attachment

MEMORANDUM

Agenda Item No. 11(A)(25)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

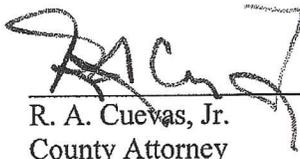
DATE: November 8, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing County
Mayor to consider and analyze
whether vacant parcel of land
that is for sale and is adjacent
to a park should be purchased
by the County

Resolution No. R-953-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and the Co-Sponsor is Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp

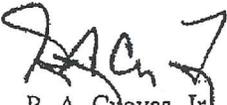


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 8, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(25)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(25)
11-8-12

RESOLUTION NO. R-953-12

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO CONSIDER AND ANALYZE WHETHER VACANT PARCEL OF LAND THAT IS FOR SALE AND IS ADJACENT TO A PARK SHOULD BE PURCHASED BY THE COUNTY TO EXPAND SUCH PARK AND, IF SO, TO ATTEMPT TO ACQUIRE THE PARCEL

WHEREAS, from 2000 to 2010, the population in Miami-Dade County increased by approximately ten percent (10%), thus increasing the need for additional parks and park and recreation facilities to serve the expanding population; and

WHEREAS, accordingly, the vision of the County's Park, Recreation and Open Spaces Department ("PROS") is that every resident to should have equitable access to parks and activities and that every neighborhood within the County should be upgraded, if necessary, to meet residents' needs; and

WHEREAS, moreover, the PROS's Parks and Open Space Master Plan provides that "every park should be designed to contribute to the environmental, social and economic well-being of the surrounding neighborhood and community"; and

WHEREAS, one way to accomplish this planning and design principle as well as to ensure that the County continues to add and develop park space is to encourage the acquisition by the County, whenever feasible, practical and necessary, of land adjacent to existing parks in order to expand parks; and

WHEREAS, the County should take advantage of any opportunity to annex adjacent parcels if they become available in order to maximize the limited resources to provide recreation and sporting facilities and programs to the public at the most economical cost, as it is more

expensive to acquire and develop a new park and then provide new staffing than to expand existing park add more space for more fields, more green space and more recreational facilities, while utilizing existing operational dollars and staff,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that, anytime the County becomes aware that a parcel of vacant, undeveloped land adjacent to an existing County park is being offered for sale, this Board directs the County Mayor or Mayor's designee to consider and analyze whether such parcel could be purchased and used to expand the park and, if so, to make good faith attempts to acquire the parcel. The aforementioned consideration and analysis performed by the County Mayor or Mayor's designee should include, but not be limited to, determining whether the expansion of the park in question is necessary to serve an increased population, whether the expansion of the park in question would contribute to the environmental, social and economic well-being of the surrounding neighborhood and community, and whether funds are available to acquire the parcel.

The Prime Sponsor of the foregoing resolution is Sen. Javier D. Souto and the Co-Sponsor is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Rebeca Sosa** who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	aye	
	Audrey M. Edmonson, Vice Chairwoman	absent	
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	absent
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

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The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of November, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "MR", written over a horizontal line.

Monica Rizo

Administrative Order

MIAMI-DADE

Administrative Order No.: 8-1

Title: Acquisition or Lease of Real Property From the Private Sector

Ordered: 07/26/2007

Effective: 07/26/2007

AUTHORITY:

Section 4.02 of the Miami-Dade County Charter.

SUPERSEDES:

This Administrative Order supersedes previous Administrative Order No. 8-1, dated July 10, 1990.

POLICY:

The authority to acquire or lease any type of real property, including, but not limited to, land, plant installations, service facilities, and other assets of a public nature, rests solely with the Board of County Commissioners.

All contracts, leases, and agreements, except those with the Federal Government and the State of Florida, must be executed by the other party prior to submission to the Office of the County Manager.

Furthermore, it is the policy of this County when appropriate, in the lease, purchase, or construction of required space or facilities, to locate such space in an area which will enhance the economic viability of depressed areas and maximizes access to public transportation, provided, however, that said location is in the best interest of the County and the general public.

RESPONSIBLE DEPARTMENTS:

GENERAL SERVICES ADMINISTRATION:

Except as otherwise specified by this Administrative Order, the General Services Administration (GSA) is responsible for the identification, negotiation, contracting, and closing of all non right-of-way property acquisitions, leases, donations and dedications, for servicing said leases during the lease term, and for the maintenance of County-owned and leased real property records. Copies of all real property transactions, including covenants for property dedicated to the County, shall be submitted to the Real Estate Section of GSA, within one month of County Commission approval.

OTHER DEPARTMENTS:

The Public Works Department is responsible for the acquisition of real property for road right-of-way and other transportation related projects; the Department of Environmental Resources Management is responsible for the acquisition of real property for canal right-of-way, flood protection and water management and environmentally endangered lands; Miami-Dade Transit is responsible for the acquisition of right-of-way for the Orange Line expansion only; and the Aviation and Seaport Departments are responsible for the acquisition of all real property, including right-of-way, required by their respective departments. The internal procedures established by these departments for carrying out these objectives must comply with the policies outlined within this administrative order.

No County official or employee may obligate the County in any way in the acquisition or lease of real property. Further, County officials and employees are specifically forbidden from accepting or sharing in any commission or gratuity of any kind for County leases or property purchases. (See Administrative Order No. 7-1.)

AGENTS:

In acquiring or leasing real property, the County will not be responsible for, nor will the County pay to any agent, a finder's fee or any other thing of value. All negotiations will be conducted only with the principals involved or with such duly authorized agents as may be designated in writing by the principals.

For transactions in which the County is negotiating to lease or purchase all or a portion of real property, should the owner of said real property have in place a brokerage agreement for the payment of a real estate sales commission, it shall be the policy of the County to share in the fees as provided for in said brokerage agreement as a party to the transaction pursuant to Rule 61J2-10.028(s) FAC.

PROCEDURES:

INITIATING ACTION:

Except as otherwise specified by this Administrative Order, any department director or other official desiring the acquisition, lease, or renewal of leases of real property shall submit to GSA (Real Estate Section) a Property Action Request form, a copy of which may be obtained from GSA's Real Estate Section or GSA's website. The department shall detail all pertinent information, including, but not limited to, the following: intended use and approximate size of space required,

estimated budget and source of revenue, number and classifications of occupying staff, any geographic constraints on location (with appropriate justification), special space requirements, and hours of operations.

ASSESSMENT OF FINANCIAL IMPACT:

At such time as a suitable site is identified for lease or purchase, GSA will prepare a preliminary estimate of the costs associated with the project, including, but not limited to, purchase price and closing costs in the case of a purchase, and rental expenses, space build-out or construction estimate, operating expenses, and relocation costs for the project in the case of a lease.

ENVIRONMENTAL IMPACT:

Prior to the purchase of any non-right-of-way real property, an environmental assessment of the property shall be conducted by the Department of Environmental Resources Management (DERM), or a certified environmental engineering firm.

APPRAISALS:

For property acquisitions that require appraisals, the requesting department director/official is responsible for following County procedure, entitled "Request for Property Appraisal", as specified in Dade County Procedures Manual in accordance with Florida Statute 125.355.

ZONING:

Prior to acquisition or lease, all property proposed to be used as a government facility must be approved for such use pursuant to Dade County procedures.

TITLE:

Prior to closing on the acquisition of real property, a title search shall be conducted to verify that the property has clear title.

HISTORIC PRESERVATION:

All non right-of-way real property being considered for purchase shall be evaluated by the County's Office of Historic Preservation to determine whether it is of historic or archeological significance.

APPROVAL TO NEGOTIATE:

The Property Action Request and Assessment of Financial Impact will then be forwarded to the director of the requesting department and to the Office of Strategic Business Management for their review and approval prior to GSA proceeding with the development and negotiation of the final contract.

RISK MANAGEMENT:

Draft lease agreements, (with the exception of preprinted form agreements which have received blanket approval) will be provided to GSA's Risk Management Division for appropriate insurance requirements. The Risk Management Division shall be given an opportunity to inspect the premises prior to completion of negotiations.

COUNTY ATTORNEY'S OFFICE:

The County Attorney will assign an attorney to provide legal counsel to review and approve for legal sufficiency all property leases and purchase contracts and to be present, on an as needed basis, during negotiation of contract terms and language.

NEGOTIATIONS:

All negotiations regarding the terms and conditions of any transaction described herein shall be conducted by those departments specifically granted authority through this administrative order. No negotiations, preliminary or otherwise, are to be conducted by any other agency unless specifically and individually authorized by the agencies delegated authority herein. Departments conducting said negotiations are expected to keep client agencies apprised of the status of pending negotiations, and to provide such client agencies periodic status reports regarding the negotiation process, any relevant issues and/or significant areas of disagreement, how these issues will be resolved, and any anticipated areas of concern regarding the intended use of the property.

AGENDA:

Upon final approval, the department responsible for acquiring and leasing real property in question will prepare an agenda package, including resolution, contract documents, and memorandum of transmittal indicating compliance with the above procedures, and submit same to the County Manager's Office.

COUNTY MANAGER'S OFFICE:

The County Manager will forward the memorandum and documents to the County Attorney's Office for review, and after approval by the County Attorney's Office, shall submit the completed package to the Board of County Commissioners for acceptance. The requesting department is required to be present at the Commission meetings to answer any programmatic questions that may arise. If approved by the Board of County Commissioners, all pertinent documents, along with a memorandum indicating compliance with these procedures, will be forwarded to the Office of the County Manager for signature. The fully executed documents will be returned to the Clerk of the Board for custody.

DEEDS:

All property deeds must be recorded in the Public Records of Miami-Dade County. Any department accepting property deeds or other property legal instruments for the County are required to list Miami-Dade County as the owner of records and include the user department in the mailing address. The original recorded deed shall be transmitted to the Clerk of the Board's office. Upon receipt of the property deed, the Clerk will send a copy to the Property Appraisers Office and to GSA.

PROPERTY APPRAISER'S OFFICE:

The Property Appraiser is responsible for placing all acquired property on the Property Assessment Roll in the name of Miami-Dade County, directly following the user department's name. The Property Appraiser will process the change in ownership to the Property Assessment Roll upon receiving the properly executed deed along with copies of any and all appraisals prepared in connection with all real property acquired by Miami-Dade County.

County Mayor